

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

FIVE STAR BANK,

Plaintiff,

CASE NO. 6:24-cv-06153

v.

KATHERINE MOTT, ROBERT HARRIS;
KRM EVENTS, LLC; KATHERINE'S ON
MONROE, LLC; THE DIVINITY ESTATE
AND CHAPEL, LLC; KNC ELEGANCE,
LLC d/b/a THE WINTERGARDEN BY
MONROES; 11 WEXFORD GLEN, LLC;
RCC MONROES LLC; NAF REMODELING
LLC; MONROES AT RIDGEMONT LLC;
CRESCENT BEACH AT THE LAKE LLC;
MOTT MANAGEMENT LLC; KRISTINA
BOURNE; TAYLOR PAGANO; and
TIMOTHY LARocca,

CIVIL ACTION

Defendants.

**DECLARATION OF DAVID BURCH, ESQ. IN SUPPORT OF PLAINTIFF'S MOTION
FOR AN ORDER OF ATTACHMENT AS TO EACH DEFENDANT**

DAVID G. BURCH, Esq., declares the following under penalty of perjury:

1. I am an attorney-at-law duly licensed to practice in the State of New York and admitted to practice before this Court. I am a partner in the law firm of Barclay Damon LLP, counsel to Plaintiff Five Star Bank ("Plaintiff"). As such, I am fully familiar with the matters set forth herein.

2. I submit this declaration in further support of Plaintiff's motion, pursuant to Rule 64 of the Federal Rules of Civil Procedure, for an order of attachment as to the assets of each of the named defendants in this action, *to wit*, Katherine Mott, Robert Harris; KRM Events, LLC; Katherine's On Monroe, LLC; The Divinity Estate And Chapel, LLC; KNC Elegance, LLC d/b/a The Wintergarden By Monroes; 11 Wexford Glen, LLC; RCC Monroes LLC; NAF Remodeling LLC; Monroes At Ridgmont LLC; Crescent Beach At The Lake LLC; Mott Management LLC; Kristina Bourne; Taylor Pagano; and Timothy Larocca,

3. On or about June 11, 2024, Genesee Construction Services, Inc. filed a Verified Complaint seeking to foreclose a Mechanic's Lien as against defendant 11 Wexford Glenn, LLC (Index No. E2024009706) for failure to pay for certain construction and renovation services it provided in connection with and at the premises located at 1372 Edgemere Drive in the town of Greece, New York and commonly identified as Crescent Beach. A true and correct copy of that Verified Complaint is attached hereto as **Exhibit A**.

4. Pursuant to the Verified Complaint, Genesee Construction, Inc. seeks relief including a judgment foreclosing a certain Mechanic's Lien, filed with the Monroe County Clerk's Office on June 7, 2024, held by Genesee Construction, Inc. as against 11 Wexford Glenn, LLC in the amount of \$541,852.11. A true and correct copy of that Mechanic's Lien, as submitted in connection with the Verified Complaint, is attached hereto as **Exhibit B**.

WHEREFORE it is respectfully requested that the Court grant Plaintiff's motion and issue an Order of Attachment as to the assets of each of the defendants named in the instant action pursuant to Fed. R. Civ. P. 64 and for such other and further relief as the Court deems just and proper.

Dated: August 12, 2024

/s/ David G. Burch, Jr.
David G. Burch, Jr.

CERTIFICATE OF SERVICE

I hereby certify that, on August 12, 2024, I served the foregoing document on all counsel of record via the Court's ECF system.

/s/ David G. Burch, Jr.
David G. Burch, Jr.